

## REMARKS

### I. Introductory Comments

Applicants have carefully reviewed the Office Action mailed October 9, 2007, and thank the Examiner for the detailed review of the pending claims. Although Applicants believe that the claims were patentable over the prior art, Applicants have nonetheless amended several claims, including the independent claims, to further prosecution. Claims 16-36 were pending in the application and stand rejected by the Examiner. Claim 18 is now cancelled. Therefore, claims 16-17, and 19-36 remain pending in the application. Claims 16, 30, and 31 are independent claims, and each has been amended. Dependent claims 19, 20, 26, and 27 have also been amended. All claim amendments are fully supported in the application, and no new matter has been added by way of the amendments.

In the Office Action, the Examiner rejected: (1) claims 16, 18, 19, and 27-30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,210, 549 (hereinafter "Tharp"); (2) claim 17 under 35 U.S.C. §103(a) as being unpatentable over the combination of Tharp and JP2002161387 (hereinafter "Oka"); (3) claims 20, 21, 24, 25, 31, 32, 35, and 36 under 35 U.S.C. §103(a) as being unpatentable over the combination of Tharp and U.S. Patent No. 4,354,916 (hereinafter "Pohto"); (4) claims 22, 23, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over the combination of Tharp, Pohto, and U.S. Patent No. 4,544,078 (hereinafter "Arenas"); and (5) claim 26 under 35 U.S.C. §103(a) as being unpatentable over the combination of Tharp and U.S. Patent No. 5,688,384 (hereinafter "Hodgson").

Applicants respectfully request favorable reconsideration of the presently pending claims in view of the amendments and following remarks. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserve the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Also, for any instance where the Examiner took Official Notice, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

## II. Claim Rejections under 35 USC § 102

Claims 16, 18 19, and 27-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tharp. Claim 18 has been cancelled. Claims 16, 19, 27, and 30 have been amended. In view of the amendments and the following remarks, Applicants respectfully traverses the rejections.

### A. Independent Claims 16, 30, and 31

- i. *"an end portion of said anode connection member is disposed within said skirt wall top plate closure member"*

Independent claim 16 has been amended, and now recites "an anode connection member having an end portion" and "wherein said end portion of said anode connection member is disposed within said skirt wall top plate closure member." Independent claims 30 and 31 have also been amended, and each now recites "wherein an end portion of said anode connection member is disposed within said skirt wall top plate closure member." By way of example, support for this new recitation is found in paragraph [0029], and shown in FIG. 2. Tharp fails to teach or suggest at least this recitation of independent claims 16, 30, and 31.

Regarding claims 16 and 30, the Examiner alleged that:

Tharp teaches a skirt wall [30] with an anode [18] disposed within the aperture formed by the skirt wall [30] and a power supplying all-thread rod [7] (connection member) connected to the anode [18](figure 2, col. 9 lines 14-36, col. 10 lines 56-59), the anode (allowing for electrical communication) mounting plate [6] (closure member) is connected to a gasket [31] which allows for sealing between the anode mounting plate [6] and the skirt wall [30] as well as electrically isolating (non-conductive) the anode mounting plate from the cell head plate is disposed between the skirt wall [30] and the anode mounting plate [6] (closure member) (col. 11 lines 32-37 and col. 13 lines 10-24)." Office Action, page 2.

The Examiner did not allege, and Tharp does not teach or suggest that an end portion of said anode connection member is disposed within said skirt wall top plate closure member, as positively recited in independent claims 16, 30, and 31.

Tharp discloses that the anode connecting "all threaded rods (7)" pass out through the mounting plate (6) via fixing and sealing arrangements (8). Col. 11, lines 38-40. Tharp also states that "such hardware is secured using prior art methods such as securing nuts, washers, and

electrical isolating components to prevent current flow from the rods to the mounting plate. This mounting connection (8) is also chemically resistant to fluorine gas.” Col. 11, lines 42-46. Thus, the arrangement in Tharp of passing the anode connection members (7) out through a closure plate member (6) is contrary to an end portion of an anode connection member being disposed within a skirt wall top plate closure member, as positively recited in independent claims 16, 30, and 31. Thus, Tharp not only fails to disclose this recitation, but actually teaches away from an end portion of an anode connection member disposed within a skirt wall top plate closure member.

Furthermore, the Examiner did not allege, and Oka fails to teach this recitation. Specifically, Oka discloses an anode rod (1) passing out into the ambient atmosphere through a sealing structure/support (2). Diagram 3. Therefore, independent claims 1, 30 and 31, and also the claims that depend therefrom, are patentable over the prior art of record. Applicants respectfully request favorable reconsideration and withdrawal of the rejections.

**ii. *“said skirt wall top plate closure member being in electrical communication with said anode connection member”***

Claim 16 also recites that “said skirt wall top plate closure member being in electrical communication with said anode connection member.” To the contrary, and expressly teaching away from this recitation, Tharp discloses that the threaded rods (7) are insulated/isolated from the mounting plate (6). Col. 11, lines 32-34. Furthermore, the Examiner did not allege, and Oka also fails to teach this recitation. For at least this reason, claim 16, and claims 17 and 19-29 that depend therefrom, are patentable over the prior art of record. Therefore, independent claims 16, 30, and 31 are patentable over the prior art.

**iii. *“to constitute an anode connection to said fluorine electrolytic cell”***

Claim 16 has been amended to also recite that “said skirt wall top plate closure member being in electrical communication with said anode connection member to constitute an anode connection to said fluorine electrolytic cell.” Again, Tharp expressly teaches that the “[t]he anode’s mounting plate 6 is secured to the cell head plate 2 . . . [and that] [t]he anode mounting plate is secured with electrically isolating components to prevent current flow between the two plates.” Col. 11, lines 30-37. Furthermore, the Examiner did not allege, and Oka also fails to

teach this recitation. For at least this reason, claim 16, and claims 17 and 19-29 that depend therefrom, are patentable over the prior art of record.

**B. Dependent Claims 20, 24-25, and 35-36**

- i. *“wherein said spacer member is disposed between gaskets that seal between an upper face of said skirt wall top plate and a lower face of said spacer and an upper face of said spacer and a lower face of said skirt wall top plate closure member”*

Claim 20 has been amended, and now recites “gaskets that seal between an upper face of said skirt wall top plate and a lower face of said spacer and an upper face of said spacer and a lower face of said skirt wall top plate closure member.” The Examiner admitted that Tharp “fails to disclose gaskets disposed at either side of the spacer member.” Office Action, page 4. The Examiner then alleged that “Pohto teaches gaskets of the spiral wound variety are useful in allowing for fluid/air tight sealing between bipolar components in an electrolytic cell.” Office Action, page 4. Claim 20 has been amended to clarify that gaskets form a seal between an upper face of the skirt wall top plate and a lower face of the spacer, and also form a seal between an upper face of the spacer and a lower face of the skirt wall top plate closure member. For at least this reason, claim 20 is patentable over the prior art of record.

- ii. *“wherein said spiral wound gasket includes at least one . . . keeper ring”*

Claims 24 and 35 recite that “said spiral wound gasket includes at least one inner keeper ring,” and claims 25 and 36 recite that said spiral wound gasket includes at least one outer keeper ring. The Examiner alleged that “Pohto further discloses washers [20] (keeper rings) disposed on either side of the spiral/coils [15] in order to maintain pressure between the plates.” Office Action, page 5. The Examiner mistakenly equated Pohto’s washers to Applicants’ keeper rings.

The washers disclosed in Pohto merely provide the basic function of a washer, which is to distribute pressure created by the nut and bolt. Specifically, Pohto discloses that “[w]ashers 20 can be used in conjunction with nut 19 to effect this pressure.” Col. 4, lines 36-38. Quite to the contrary, Applicants’ positively recite that “said spiral wound gasket includes at least one spacer ring.” Further, Applicants disclose that “a very small end face area at the end of the wound gasket is potentially exposed to fluorine gas . . . [and] [w]here keeper rings are employed

even this area is substantially eliminated.” Specification, ¶ [0031]. For at least this reason, claims 24-25, and 35-36 are patentable over the prior art of record.

**III. U.S. Patent No. 5,688,384 (hereinafter “Hodgson”) is Unavailable Under §103(c)**

The Examiner rejected claim 26 under 35 U.S.C. §103(a) as being unpatentable over the combination of Tharp and Hodgson. Applicants believe that the subject matter of Hodgson and the claimed invention were, at the time the claimed invention was made, owned by the same legal entity. Therefore, Hodgson is unavailable as prior art, and Applicants respectfully request the Examiner to withdraw his rejection of claim 26. Furthermore, Applicants intend to provide additional material to support this contention in a supplemental filing.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66221-0035 from which the undersigned is authorized to draw.

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Respectfully submitted,

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